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UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Shoji YUYAMA et al.

Serial No. 10/587,486

Filed July 27, 2006

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Mail Stop: PCT

Attorney Docket No. 2006_1232A

TABLET STORAGE AND TAKE-OUT APPARATUS

[Corresponding to PCT/JP2005/000652

Filed January 20, 2005]

**SUBMISSION OF ENGLISH VERSIONS OF INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY AND WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Submitted herewith for consideration by the Examiner are:

- 1) An English version of the International Preliminary Report on Patentability; and
- 2) An English version of the Written Opinion of the International Searching

Authority.

Respectfully submitted,

Shoji YUYAMA et al.

By

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October 23, 2006

PATENT COOPERATION TREATY

PCT/JP2005/000652



PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

From the INTERNATIONAL BUREAU

To:

KAWAMIYA, Osamu
Aoyama & Partners
IMP Building
3-7, Shiromi 1-chome
Chuo-ku, Osaka-shi
Osaka 540-0001
JAPON

Date of mailing (day/month/year)

31 August 2006 (31.08.2006)

Applicant's or agent's file reference

664955

IMPORTANT NOTIFICATION

International application No.

PCT/JP2005/000652

International filing date (day/month/year)

20 January 2005 (20.01.2005)

Applicant

YUYAMA MFG. CO., LTD. et al

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 664955	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2005/000652	International filing date (day/month/year) 20 January 2005 (20.01.2005)	Priority date (day/month/year) 30 January 2004 (30.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant YUYAMA MFG. CO., LTD.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 22 August 2006 (22.08.2006)
	Authorized officer Masashi Honda e-mail: pt08@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

· WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

Applicant's or agent's file reference

664955

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/000652

International filing date (day/month/year)

20.01.2005

Priority date (day/month/year)

30.01.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

YUYAMA MFG. CO., LTD.

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/000652

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2005/000652

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-6	YES
	Claims		NO
Inventive step (IS)	Claims	4, 5	YES
	Claims	1-3, 6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO
2. Citations and explanations:			
<p>Document 1: JP, 11-70901, A (Yuyama Mfg. Co., Ltd.), 16 March, 1999 (16.03.99), full text, all drawings, & US, 6119737, A1, & EP, 999129, A1</p> <p>Document 2: JP, 7-37992, B2 (Shimadzu Corporation), 26 April, 1995 (26.04.95), full text, all drawings (Family: none)</p> <p>Document 3: JP, 7-76418, A (Kao Corporation), 20 March, 1995 (20.03.95), paragraphs [0044]-[0051], Figs. 7-8 (Family: none)</p> <p>Document 4: JP, 6-42954, B2 (Shibuya Kogyo Kabushiki Kaisha), 08 June, 1994 (08.06.94), full text, all drawings (Family: none)</p> <p>Document 5: JP, 2002-347931, A ((Yuyama Mfg. Co., Ltd.), 04 December, 2002 (04.12.02), full text, all drawings, & US, 6308109, B1</p> <p>Claim 1</p> <p>Document 1 discloses a tablet storing and taking apparatus in which a vial filled with tablets is made to wait in a waiting space and the vial is taken out from the waiting space, wherein a plurality of pairs of facing holding members holding a barrel of the vial are provided in the waiting space.</p> <p>Document 2 describes that a pair of facing holding members holding the vial is provided, and a sensor associated with the pair of holding members is provided so that whether the vial is held by the pair of holding members can be individually detected.</p> <p>It is found that there is no noticeable difficulty in employing the aspect of document 2 in which a sensor associated with the pair of holding members is provided so that whether the vial is held by the pair of holding members can be individually detected in the invention of document 1.</p> <p>Claim 2</p> <p>Document 3 discloses that the facing holding members have facing recessed portions, and supported such that they are rotated about two axes at a distance greater than the outer diameter of a container from each other to allow the recessed portions to move close to or away from each other, the recessed portions are energized so as to move close to each other, and the facing recessed portions hold the container between them such that the center of the container is situated between the recessed portions.</p> <p>Claim 3</p> <p>Document 4 discloses that the sensor detects whether the holding members hold the</p>			

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2005/000652

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

container.

Claims 4 and 5

The subject matters of claims 4 and 5 are neither described in any of the documents cited in the ISR nor obvious to a person skilled in the art.

Claim 6

Document 5 discloses a drug storing and taking apparatus having a plurality of waiting spaces and holding a drug in a different waiting space for each patient.